

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85928

Junko NISHIYAMA, et al.

Appln. No.: 10/528,042

Group Art Unit: 2858

Confirmation No.: 9017

Examiner: Richard V. MURALIDAR

Filed: March 17, 2005

For: LITHIUM ION SECONDARY BATTERY SYSTEM, AND METHOD FOR  
OPERATING LITHIUM ION SECONDARY BATTERY

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. JP 5-176469 A, published July 13, 1993, along with an English language Abstract;
2. JP 9-233726 A, published September 5, 1997, along with an English language Abstract;
3. SO OTA et al., "Synthesis of 5V-class cathode active material by composite carbonate process and its properties for lithium secondary batteries", Abstracts of the 41st Battery Symposium, 20 November 2000, pp. 452-453
4. ATSUSHI UEDA et al., "Development of Li-Mn-Me-O Compounds for High Voltage Li Ion Batteries", Abstracts of the 41<sup>st</sup> Battery Symposium, 20 November 2000, pp. 450-451
5. ATSUSHI MORI et al., "Synthesis and Battery Performance of 5V-class  $\text{LiNi}_{0.5}\text{Mn}_{1.5}\text{O}_4$  Prepared by Self-Reaction Method", Abstracts of the 41<sup>st</sup> Battery Symposium, 20 November 2000, pp. 456-457;

Applicants also note to the Examiner foreign references JP 2000-30749 A, JP 2002-260673 A, and JP 2003-217679 A, were all previously cited to the USPTO in an Information Disclosure Statement filed March 17, 2005 and are not submitted herewith. Additionally US 6366056 B1 was previously cited by the Examiner in a Non-Final Rejection dated October 3, 2008.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e).

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. § 1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated May 19, 2009 along with an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Howard L. Bernstein/

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Howard L. Bernstein  
Registration No. 25,665

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 19, 2009

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

Except where noted in the above Information Disclosure Statement, each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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The undersigned hereby states, upon information and belief:

Except where noted in the above Information Disclosure Statement, each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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